

ASSEMBLY BILL

No. 1635

Introduced by Assembly Member Keene

February 21, 2003

An act to amend Sections 7002 and 7120 of the Family Code, relating to emancipated minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1635, as introduced, Keene. Emancipated minors.

Existing law provides that a person who is under the age of 18 years is an emancipated minor if he or she has entered into a valid marriage, is on active duty with the armed forces of the United States, or has received a declaration of emancipation. Existing law authorizes a minor to petition the superior court of the county in which the minor resides or is temporarily domiciled for a declaration of emancipation. Existing law requires that the petition set forth specified facts, including that the minor willingly lives separate and apart from the minor's parents or guardian with the consent or acquiescence of the minor's parents or guardian.

This bill would additionally provide that a person who is under the age of 18 years is an emancipated minor if he or she has been issued a high school diploma or has been formally recognized as an emancipated minor or the equivalent in another state. The bill would also revise the facts that must be set forth in the petition for a declaration of emancipation to delete the requirement that the minor willingly lives separate and apart from the minor's parents or guardian with the consent or acquiescence of the minor's parent or guardian. The bill would instead require the petition to include the fact that the minor is sufficiently responsible to merit the declaration. The bill would require

the minor to attach to the petition 3 statements attesting to the minor's level of responsibility that have been signed under penalty of perjury by residents of the state who are 25 years of age or older, including at least one by a parent or guardian of the minor, or a teacher, as specified. By requiring that the statements attached to the petition be signed under penalty of perjury, the bill would expand the definition of the crime of perjury, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7002 of the Family Code is amended to
2 read:

3 7002. A person under the age of 18 years is an emancipated
4 minor if any of the following conditions is satisfied:

5 (a) The person has entered into a valid marriage, whether or not
6 the marriage has been dissolved.

7 (b) The person is on active duty with the armed forces of the
8 United States.

9 (c) The person has received a declaration of emancipation
10 pursuant to Section 7122.

11 (d) *The person has been issued a high school diploma or its*
12 *equivalent.*

13 (e) *The person has been formally recognized as an*
14 *emancipated minor or the equivalent in another state.*

15 SEC. 2. Section 7120 of the Family Code is amended to read:

16 7120. (a) A minor may petition the superior court of the
17 county in which the minor resides or is temporarily domiciled for
18 a declaration of emancipation.

19 (b) The petition shall set forth with specificity all of the
20 following facts:

21 (1) The minor is at least 14 years of age.



1 (2) The minor ~~willingly lives separate and apart from the~~
2 ~~minor's parents or guardian with the consent or acquiescence of~~
3 ~~the minor's parents or guardian~~ *is sufficiently responsible to merit*
4 *the declaration. As evidence of this, the minor shall attach three*
5 *statements attesting to the minor's level of responsibility that have*
6 *been signed by three separate persons. All three statements shall*
7 *declare, under penalty of perjury, that their signatories are*
8 *residents of this state who are 25 years of age or older. At least one*
9 *of these statements shall declare, under penalty of perjury, that its*
10 *signatory is a parent or legal guardian of the minor or a teacher*
11 *at an educational institution within the State of California that may*
12 *lawfully offer instruction in grades 9 to 12, inclusive.*

13 (3) The minor is managing his or her own financial affairs. As
14 evidence of this, the minor shall complete and attach a declaration
15 of income and expenses as provided in Section 1285.50 of the
16 California Rules of Court.

17 (4) The source of the minor's income is not derived from any
18 activity declared to be a crime by the laws of this state or the laws
19 of the United States.

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.